

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

BRIARWOOD FARMS, INC.,

07 CIV. 3657 (CLB)

Plaintiff,

- against -

TOLL BROS., INC.,

ECF CASE

Defendant.

-----X

TOLL BROS., INC.'S CROSS-MOTION FOR SUMMARY JUDGMENT

Upon the Declaration of Daniel Zalinsky dated June 17, 2008, the Declaration of William P. Harrington, dated June 18, 2008, the exhibits annexed thereto, the accompanying memorandum of law and Local Rule 56.1 statement, defendant Toll Bros., Inc. shall cross-move pursuant to Rule 56 F.R.Civ.P. for summary judgment dismissing the complaint, awarding Toll Bros., Inc. judgment on its counterclaim, with interest, costs and disbursements, together with whatever further relief the Court deems just and proper.

Dated: White Plains, New York
June 18, 2008

BLEAKLEY PLATT & SCHMIDT, LLP

BY: 

WILLIAM P. HARRINGTON (WH5262)

Attorneys for Defendant

ONE NORTH LEXINGTON AVENUE
P.O. BOX 5056
WHITE PLAINS, NY 10602-5056
(914) 949-2700

TO: JOSEPH J. HASPEL, ESQ.
Attorney for Plaintiff
40 MATTHEWS STREET
SUITE 201
GOSHEN, NY 10924
(845) 294-8950